REMARKS

The Final Office Action dated October 19, 2004, has been received and carefully considered.   It is believed that the following remarks place the application in immediate condition for allowance.   Accordingly, entry of this response and favorable consideration of the application are respectfully requested.

I.   THE OBVIOUSNESS REJECTION OF CLAIMS 1-4, 6, 8-13, 15-21, 23 AND 25-27

On page 2 of the Office Action, claims 1-4, 6, 8-13, 15-21, 23 and 25-27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lumelsky et al. (U.S. Patent No. 6,463,454) in view of Welling, Jr. et al. (U.S. Patent No. 6,181,927).   This rejection is hereby respectfully traversed.

Applicants respectfully submit the §103(a) rejections of claims 1-4, 6, 8-13, 15-21, 23 and 25-27 are improper and must be withdrawn.   Section 103(c) of the U.S. Patent Laws states as follows:

> Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, *shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.*

(emphasis added).

The present application was assigned to Nortel Networks on February 16, 2001, and is recorded at Reel/Frame 11599/0767. Welling, Jr. et al. was assigned to Nortel Networks on July 14, 1998, and is recorded at Reel/Frame 009332/0657. Thus, Welling, Jr. et al., which may normally qualify as prior art under §102(e), was owned by the same entity which owned the claimed invention, or was subject to an obligation of assignment to the same entity as the claimed invention, at the time the invention was made. Accordingly, Welling, Jr. et al. cannot preclude patentability of the pending claims under an obviousness rejection.

The remaining independent claims (e.g., claims 10 and 18) recite subject matter that is related to independent claim 1, and were also rejected based upon Welling, Jr. et al. Thus, are claims 10 and 18 are also allowable for reasons similar to those given above.

The dependent claims 2-4, 6, 8-9, 11-13, 15-17, 19-21, 23, 25-27 are allowable at least by virtue of their dependency on the above-identified independent claims.

In view of the foregoing, it is respectfully requested that the aforementioned obviousness rejection of claims 1-4, 6, 8-13, 15-21, 23 and 25-27 be withdrawn.

II. <u>CONCLUSION</u>

In view of the foregoing, it is respectfully submitted that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number, in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

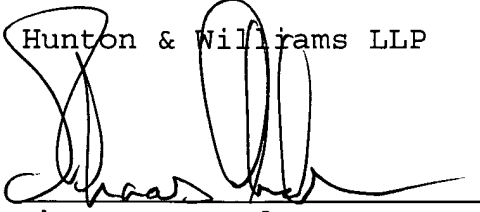To the extent necessary, a petition for an extension of time under 37 CFR § 1.136 is hereby made.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-0206, and please credit any excess fees to the same deposit account.

Respectfully submitted,

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APPENDIX A

1. (Previously Presented) A system for enabling distribution of service functionality across network elements in a network comprising:

a) a service logic execution engine for enabling service logic to execute on one or more nodes in the network;

b) a determination means for determining a preferred distribution scheme wherein the distribution scheme involves placement of nodes based on at least one of the group of location of associated physical resources, minimization of inter-node interactions and natural couplings of associated service software; and

c) a distribution means for distributing service functionality to nodes in accordance with the distribution scheme;

wherein the service logic execution engine is informed of one or more locations to which one or more application components are distributed.

2. (Original) The system of claim 1 wherein the distribution scheme involves executing where one or more associated physical resources are located.

3. (Original) The system of claim 1 wherein the distribution scheme comprises a selection function to determine

one or more nodes to be invoked.

4. (Original) The system of claim 3 wherein the selection function comprises executing an algorithm.

5. (Canceled)

6. (Original) The system of claim 1 wherein the distribution scheme involves making efficient use of network resources.

7. (Canceled)

8. (Original) The system of claim 1 wherein one or more service logic execution engines execute on one or more participating nodes in the network.

9. (Previously Presented) The system of claim 1 wherein multiple parallel servers are configured to execute a service wherein the throughput is scalable to a desired level.

10. (Previously Presented) A method for enabling distribution of service functionality across network elements in a network comprising the steps of:

a) enabling service logic to execute on one or more nodes in the network;

b) determining a preferred distribution scheme wherein the distribution scheme involves placement of nodes based on at least one of the group of location of associated physical resources, minimization of inter-node interactions and natural

couplings of associated service software; and

c) distributing service functionality to nodes in accordance with the distribution scheme.

11. (Original)   The method of claim 10 wherein the distribution scheme involves executing where one or more associated physical resources are located.

12. (Original)   The method of claim 10 wherein the distribution scheme comprises a selection function to determine one or more nodes to be invoked.

13. (Original)   The method of claim 12 wherein the selection function comprises executing an algorithm.

14. (Canceled)

15. (Original)   The method of claim 10 wherein the distribution scheme involves making efficient use of network resources.

16. (Original)   The method of claim 10 wherein one or more service logic execution engines execute on one or more participating nodes in the network.

17. (Previously Presented)   The method of claim 10 wherein multiple parallel servers are configured to execute a service wherein the throughput is scalable to a desired level.

18.   (Previously Presented)   A processor readable medium comprising processor readable code for enabling distribution of

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service functionality across network elements in a network comprising:

a)   execution code that causes a processor to enabling service logic to execute on one or more nodes in the network;

b)   determination code that causes the processor to determine a preferred distribution scheme wherein the distribution scheme involves placement of nodes based on at least one of the group of location of associated physical resources, minimization of inter-node interactions and natural couplings of associated service software; and

c)   distribution code that causes the processor to distribute service functionality to nodes in accordance with the distribution scheme.

19.   (Original)   The processor readable medium of claim 18 wherein the distribution scheme involves executing where one or more associated physical resources are located.

20.   (Original)   The processor readable medium of claim 18 wherein the distribution scheme comprises a selection function to determine one or more nodes to be invoked.

21.   (Original)   The processor readable medium of claim 20 wherein the selection function comprises executing an algorithm.

22.   (Canceled)

23. (Original)   The processor readable medium of claim 18 wherein the distribution scheme involves making efficient use of network resources.

24. (Canceled)

25. (Original)   The processor readable medium of claim 18 wherein one or more service logic execution engines execute on one or more participating nodes in the network.

26. (Previously Presented)   The processor readable medium of claim 18 wherein multiple parallel servers are configured to execute a service wherein the throughput is scalable to a desired level.

27. (Previously Presented)   The system of claim 1, wherein the service logic execution engine enables event passing between application components during execution.